



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re the Application of:

ETTER

Serial No.: 09/469,733

Filed: December 21, 1999

Confirmation No.: 5320


Atty. File No.: 42830-00060

For: "PARTICULATE INSULIN-
CONTAINING PRODUCTS AND
METHOD OF MANUFACTURE"

) Group Art Unit: 1653

) Examiner: Liu, Samuel W.

) TERMINAL DISCLAIMER

<p>CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON 11/21/03</p> <p>MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY:  DAX SANCHEZ</p>

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Rana S. Gill, represent that I am the Vice-President and Chief Financial Officer of RxKinetix, Inc. and am authorized to sign this document on behalf of RxKinetix, Inc.; that RxKinetix, Inc. is a corporation fully organized under the laws of the State of Colorado and has a place of business at 1172 Century Drive, Suite 260, Louisville, CO 80027 and that RxKinetix, Inc. is the owner by assignment of the entire right, title and interest in and to U.S. Patent Application Serial No. 09/469,733, for PARTICULATE INSULIN-CONTAINING PRODUCTS AND METHOD OF MANUFACTURE, filed December 21, 1999, said assignment being recorded in the U.S. Patent and Trademark Office at Reel 010614, Frame 0477.

I hereby disclaim, on behalf of RxKinetix, Inc., the terminal part of any patent granted on U.S.

Patent Application Serial No. 09/469,733 which would extend beyond the expiration date of any

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patent granted on U.S. Patent Application Serial No. 09/740,573 and hereby agree on behalf of RxKinetix, Inc., that any patent granted on U.S. Patent Application Serial No. 09/469,733 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on U.S. Patent Application Serial No. 09/740,573, this agreement to run with any patent granted on U.S. Patent Application Serial No. 09/469,733 and to be binding upon the grantee of such patent and its successors or assigns.

I do not disclaim any terminal part of any patent granted on U.S. Patent Application Serial No. 09/469,733 prior to the expiration date of the full statutory term of any patent granted on U.S. Patent Application Serial No. 09/740,573 in the event that any such patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. ' 1.321(a), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying or referred to in the instant Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of assignee's knowledge, title is in the assignee.

A check for the statutory disclaimer fee of \$55.00 as specified under 37 C.F.R. ' 1.20(d) is enclosed herewith.

Date: Nov. 19/03.

By: Rana Gill

Rana S. Gill

Vice-President and Chief Financial Officer